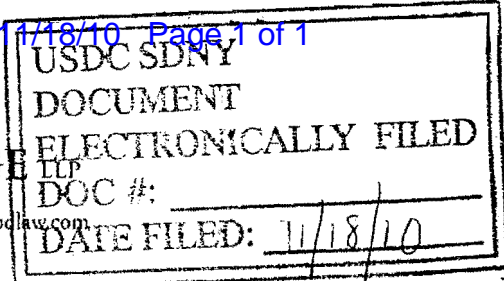
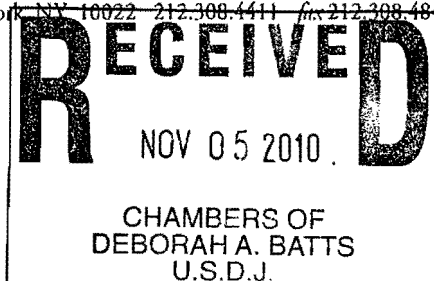


MEMO ENDORSED

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November 5, 2010

Hon. Deborah A. Batts
United States District Judge
500 Pearl Street
New York, NY 10007

Re: In re J. Ezra Merkin and BDO Seidman
Secs. Litigation, No. 08 Civ. 10922 (DAB)

Dear Judge Batts:

I am responding on behalf of defendants to the email from your law clerk, Kevin Jayne, on November 1.

Defendants do not object to the amendment of the currently operative complaint to alter the definition of the class, without prejudice to arguments that defendants may have relative to the class definition or class certification.

Respectfully,

Ira G. Greenberg

Amend Complaint

SO ORDERED

cc: All counsel

NYC 363031.1

DEBORAH A. BATTS 11/18/10
UNITED STATES DISTRICT JUDGE